Applicant is submitting in this response: (1) amendments to the specification; (2) remarks regarding the objection to the drawings; and (3) remarks regarding the 35 USC § 112, second paragraph rejection.

Drawings Objection

Applicant respectfully requests reconsideration and allowance of the examiner's objection to the drawings. In the attached amendment to the specification, the Applicant has removed the reference numerals from the first paragraph of the "Background of the Invention" section so that the drawings now comply with 37 CFR 1.84(p)(5). Applicant respectfully submits that there are no other reference numerals contained in the specification. All remaining numerals in the specification are used either as an adjective to define a quantity within their respective sentence, used to denote a particular size of screen that is known in the art, or used for some purpose other than as a reference numeral.

35 USC § 112, Second Paragraph

Reconsideration and allowance are requested of Claims 1-6 which are rejected under 35 USC § 112, second paragraph. The examiner states that the term "short flow" is a relative term which renders the claims indefinite. Applicant respectfully submits that the term "short flow", as it describes "grain milling process", in Claims 1-6 is adequately described in the specification so as to make the Claims definite.

Inventors may act as their own lexicographers and use the specification to supply implicitly or explicitly new meanings for claim terms. Bell Atl. Network Servs ., Inc. v. Covad Communications Group, Inc., 262 F.3d 1258, 1268 (Fed.Cir.2001) ("[A] claim term

may be clearly redefined without an explicit statement of redefinition."). Thus, to help determine the proper construction of a patent claim, a construing court consults the written description and the prosecution history. Digital Biometrics, Inc. v. Identix, Inc., 149 F.3d 1335, 1344 (Fed.Cir.1998). Claims are not rendered indefinite by the use of relative terms so long as one of ordinary skill in the art would understand what is claimed when the claim is read in light of the specification. Seattle Box Co. v. Industrial Crating & Packing, Inc., 731 F.2d at 826 (C.A.Fed. 1984).

The term "short flow" as used in the claims is not indefinite because it is used throughout Applicant's specification to define the steps of the particular milling process described therein. The short flow process is described in both the "Detailed Description of the Invention" section, and in Figures 5 and 6. Firstly, the "Detailed Description of the Invention" section of the specification discloses two preferred embodiments of the "short flow" process on page 10, line 13 and on page 13, line 4, respectively. The steps contained in both of these embodiments define and described in detail the "short flow" process so as to allow a person of ordinary skill in the art to understand what is claimed in the invention.

Additionally, the disclosure at page 6, line 7 states that "[t]he 'present invention' is a short flow corn mill . . . ." This goes to show that the term "short flow" as used in the claims is the same "short flow" that is defined in the specification. Although the Claims of Applicant's present invention focus on the improved efficiency with which the short flow milling process can be easily transportable for on-site milling applications, the specification discloses the short flow milling process in detail. It is

respectfully submitted that the specific language of the specification, as set fourth above, makes definite the invention claimed herein.

In addition, the Applicant herein seeks to amend the "Brief Description of the Drawings" section of the specification so as to describe Figures 5 and 6 as "short flow grain milling process[es]". This amended description of the drawings further clarifies the fact that the processes shown in FIGS. 5 and 6 are the short flow milling processes discussed in the specification, and referenced in the Claims. Applicant submits that the specification, including FIGS. 5 and 6, would allow a person of ordinary skill in the art to practice the claimed invention since the steps of the process are precisely defined therein, and thus, the Claims should be seen as definite.

It is submitted that this response places Applicant's application in condition for allowance. Therefore further and favorable action on this application is requested.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, DC 20231 on March 20, 2003.

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Ryan N. Carter, Registered Representative

ATTACHMENT B (Redline Copy)

Specification

Please replace the first paragraph of the "Background of the Invention" section of the specification on page 1 lines 1-11 with the following paragraph:

BACKGROUND OF THE INVENTION

The corn kernel, illustrated in Fig. 1, has a number of components, each being best suited for various uses. The process of modern dry corn milling seeks to segregate and separately process the below-identified parts of a kernel of corn as each part has a separate use. The hard outer shell ~~2~~ is called the pericarp or the bran coat. The end of the corn kernel which adheres it to the corn cob is called the tip cap ~~4~~. The interior of the corn kernel consists of the endosperm ~~6~~ and the germ ~~8~~. The endosperm is generally broken into two parts: soft endosperm ~~10~~ and hard endosperm ~~12~~. For purposes of human consumption, the hard endosperm generally produces grits and corn meal, and the soft endosperm generally produces corn flour. The germ contains a much higher percentage of fat compared to the other parts of the kernel and is the source of corn oil.

On page 3, line 14, please replace the term "Figure 5" with the term "Figure 4" so that the sentence reads: "Figure ~~5~~ 4 contains examples of typical prior art roller corrugation configurations."

On page 7, line 23, please amend the sentence as follows: "Fig. 5 is a block diagram of the short flow grain milling process in a first preferred embodiment."

On page 8, line 1, please amend the sentence as follows: "Fig. 6 is a block diagram of the short flow grain milling process in a second preferred embodiment."